



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2742

Introduced 2/21/2013, by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.1

from Ch. 38, par. 24-1.1

Amends the Criminal Code of 2012. Provides that it is unlawful for any person confined in a penal institution, which is a facility of the Illinois Department of Juvenile Justice, to possess any weapon prohibited under the statute concerning unlawful use of weapons or any firearm or firearm ammunition, regardless of the intent with which he or she possesses it.

LRB098 08900 RLC 39031 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Section 24-1.1 as follows:

6 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

7 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
8 Felons or Persons in the Custody of the Department of
9 Corrections or the Department of Juvenile Justice Facilities.

10 (a) It is unlawful for a person to knowingly possess on or
11 about his person or on his land or in his own abode or fixed
12 place of business any weapon prohibited under Section 24-1 of
13 this Act or any firearm or any firearm ammunition if the person
14 has been convicted of a felony under the laws of this State or
15 any other jurisdiction. This Section shall not apply if the
16 person has been granted relief by the Director of the
17 Department of State Police under Section 10 of the Firearm
18 Owners Identification Card Act.

19 (b) It is unlawful for any person confined in a penal
20 institution, which is a facility of the Illinois Department of
21 Corrections or the Illinois Department of Juvenile Justice, to
22 possess any weapon prohibited under Section 24-1 of this Code
23 or any firearm or firearm ammunition, regardless of the intent

1 with which he or she possesses it.

2 (c) It shall be an affirmative defense to a violation of
3 subsection (b), that such possession was specifically
4 authorized by rule, regulation, or directive of the Illinois
5 Department of Corrections or order issued pursuant thereto.

6 (d) The defense of necessity is not available to a person
7 who is charged with a violation of subsection (b) of this
8 Section.

9 (e) Sentence. Violation of this Section by a person not
10 confined in a penal institution shall be a Class 3 felony for
11 which the person shall be sentenced to no less than 2 years and
12 no more than 10 years and any second or subsequent violation
13 shall be a Class 2 felony for which the person shall be
14 sentenced to a term of imprisonment of not less than 3 years
15 and not more than 14 years. Violation of this Section by a
16 person not confined in a penal institution who has been
17 convicted of a forcible felony, a felony violation of Article
18 24 of this Code or of the Firearm Owners Identification Card
19 Act, stalking or aggravated stalking, or a Class 2 or greater
20 felony under the Illinois Controlled Substances Act, the
21 Cannabis Control Act, or the Methamphetamine Control and
22 Community Protection Act is a Class 2 felony for which the
23 person shall be sentenced to not less than 3 years and not more
24 than 14 years. Violation of this Section by a person who is on
25 parole or mandatory supervised release is a Class 2 felony for
26 which the person shall be sentenced to not less than 3 years

1 and not more than 14 years. Violation of this Section by a
2 person not confined in a penal institution is a Class X felony
3 when the firearm possessed is a machine gun. Any person who
4 violates this Section while confined in a penal institution,
5 which is a facility of the Illinois Department of Corrections
6 or the Illinois Department of Juvenile Justice, is guilty of a
7 Class 1 felony, if he or she possesses any weapon prohibited
8 under Section 24-1 of this Code regardless of the intent with
9 which he or she possesses it, a Class X felony if he or she
10 possesses any firearm, firearm ammunition or explosive, and a
11 Class X felony for which the offender shall be sentenced to not
12 less than 12 years and not more than 50 years when the firearm
13 possessed is a machine gun. A violation of this Section while
14 wearing or in possession of body armor as defined in Section
15 33F-1 is a Class X felony punishable by a term of imprisonment
16 of not less than 10 years and not more than 40 years. The
17 possession of each firearm or firearm ammunition in violation
18 of this Section constitutes a single and separate violation.

19 (Source: P.A. 97-237, eff. 1-1-12.)